

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 13 2004

Applicant : Shinagawa et al.
Appl. No. : 09/781,309
Filed : 02/13/2001
Title : METHOD AND APPARATUS FOR CODING AND DECODING IMAGE
DATA USING CRITICAL POINTS

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Attn: : Office of Petitions, Sherry D. Brinkley

OFFICE OF PETITIONS

Grp./A.U. : 2624
Examiner : Anh Hong Do

Docket No.: 13599

URGENT

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.313(b)(1) OR IN THE ALTERNATIVE
UNDER 37 CFR 1.313(c)(2)

Sir:

Applicants by way of the undersigned attorney-of-record hereby request that the Commissioner of Patents withdraw the above referenced application for patent from issuance in order to review an Information Disclosure Statement filed April 6, 2004, which was filed prior to the payment of the issue fee. The application has been scheduled for issuance on July 20, 2004 and a copy of the issue notification is attached to this petition.

This petition is filed in the alternative. The petition under 37 CFR 1.313(b)(1) is requested because it is believed that the Patent Office has made a mistake in not reviewing the information which was filed with the Petition to Consider An Information Disclosure Statement Submitted April 6, 2004, prior to paying the issue fee. The issue fee was paid May 12, 2004. The Petition was incorrectly listed as a Petition to Consider

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Information Disclosure Statement Submitted After Final Action when it was being submitted. A complete copy of the IDS Petition is attached.

By way of a communication mailed June 14, 2004, the Examiner stated that the Information Disclosure Statement failed to comply with 37 CFR 1.98(a)(2) in that legible copies of each foreign reference or "other publications" which were listed in the Information Disclosure Statement were not provided. A copy of this communication is attached to this petition.

It is respectfully submitted that the prior art was submitted as required in accordance with 37 CFR 1.98(a)(2) when the Information Disclosure Statement was submitted to the US Patent Office on April 6, 2004. The Information Disclosure Statement and all references, except US references, were hand filed in the Patent Office mail room. A copy of the date stamped receipt card is attached. Attached to this petition is a Request to Reconsider the Petition Regarding Information Disclosure Statement submitted after issuance of the Notice of Allowance and a Declaration of Wendy Slade, a Patent Agent licensed to practice before the US Patent Office, who actually hand filed the Information Disclosure Statement in the United States Patent Office on April 6, 2004.

It is respectfully submitted that if portions of the documents which were filed are missing, they were lost while in the control of the United States Patent Office and thus constitutes a Patent Office mistake for which applicants should be entitled to have the application withdrawn from issuance in order to properly review the Information Disclosure Statement which was filed in accordance with the rules.

In the alternative, submitted herewith is a Request for Continued Examination. In the event the Petitions Examiner refuses to withdraw the application under the provisions of 37 CFR 1.313(b)(1) applicants hereby request that the Petitions Examiner enter the Request for Continued Examination into the record and withdraw the application from issuance to consider the Information Disclosure Statement, the copy of which is attached to this Petition.

It is respectfully submitted that it is necessary that the application be withdrawn for consideration of the Information Disclosure Statement due to the indicated relevancy reflected on the copy of the Search Report issued by the European Patent Office with respect to a related application filed in the European Patent Office, Serial No. 01302362.7-1224. Again, the submission of the RCE is in the alternative as it is believed

Appl. No. 09/781,309 Shinagawa et al. Petition filed 7/13/04

that the Patent Office should withdraw the application from issuance under the provisions of 37 CFR 1.313(b)(1).

Should the Petitions Examiner have any questions concerning this matter, the Petitions Examiner is invited to contact the undersigned attorney-of-record at the telephone number shown below for further expediting action on this petition.

Also submitted is the required petition fee of \$130.00. Any deficiencies in the petition fee may be charged to Deposit Account No. 04-1577. Any deficiencies in any other fees associated with this petition, including payment of RCE fees, may also be charged to Deposit Account No. 04-1577.

Respectfully submitted,

DOWELL & DOWELL, P.C.

By 

Ralph A. Dowell, Reg. No. 26,868

Date: July 13, 2004

DOWELL & DOWELL, P.C.

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Appl. No. : 09/781,309
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REQUEST TO RECONSIDER PETITION REGARDING INFORMATION DISCLOSURE
STATEMENTS SUBMITTED PRIOR TO PAYMENT OF ISSUE FEE

Sir:

In response to Paper No. 8 applicants' request reconsideration and entry of the Information Disclosure Statement which was filed on April 6, 2004. In paper no. 8 the Examiner stated that the Information Disclosure Statement failed to comply with 37 C.F.R. 1.98 (a) (2). The Examiner stated that the GB Patent only contained a first page and that the search report also had one page and that a Garcia document only had page 31 and that there were no copies of the other listed documents.

It is respectfully submitted that to the best of our knowledge each of the foregoing documents was submitted in its entirety and in legible form when hand carried to the U.S. Patent Office on April 6, 2004. It is suggested that these documents have been lost while in the possession of the U.S. Patent Office. Therefore applicants are entitled to have a review of these documents in accordance with the rules.

Appl. No.

Submitted with this request for reconsideration is a declaration of Wendy Slade who is a registered patent agent who actually assembled the papers and hand filed them in the U.S. Patent Office. A copy of the hand stamped receipt card reflecting receipt of the documents is also attached as an exhibit.

As the papers were apparently lost in the Patent Office or perhaps by a contractor during scanning of the documents, a complete new set of the non-U.S. patent documents is enclosed for the Examiner's consideration.

Applicants look forward to receiving an indication from the Examiner that this prior art has been considered on the merits.

Should the Examiner have any further questions regarding this matter, it is requested that he contact the undersigned attorney of record at the telephone number shown below.

Respectfully submitted,

DOWELL & DOWELL, P.C.

By 

Ralph A. Dowell, Reg. No. 26,868

Date: July 12, 2004

DOWELL & DOWELL, P.C.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shinagawa
Appl. No. : 09/781,309
Filed : 02/13/2001
Title : METHOD AND APPARATUS FOR CODING AND DECODING IMAGE
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Grp./A.U. : 2624
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DECLARATION OF WENDY SLADE

Sir:

I Wendy Slade, do hereby declare and state as follows:

- A. I am a registered patent agent of the U.S. Patent Office having agent no. 53,604.
- B. On April 6, 2004 I personally reviewed a petition to consider an Information Disclosure Statement submitted after a final office action and as part of the review made copies of each of the references which were cited on form PTO -1449 which listed five other documents and one foreign British document. Copies of each of these documents were made and placed in our files.
- C. On the evening of April 6, 2004 I personally hand carried the petition to consider the Information Disclosure Statement with the references attached to the mailroom window located in Crystal Plaza 2. A copy of the stamped receipt card is attached as Exhibit A.

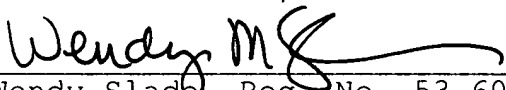
Appl. No.

I have further been warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the above referenced application or any patent issuing there on.

Further, all statements in this Declaration which are of my own knowledge are true and all statements made on information and belief are believed to be true.

Respectfully submitted,

DOWELL & DOWELL, P.C.


Wendy Slade, Reg. No. 53,604

DOWELL & DOWELL, P.C.
Suite 309, 1215 Jefferson Davis Highway
Arlington, VA 22202
703 415 2555 - Telephone
703 415 2559 - Facsimile



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,309	07/20/2004	6766060	13599	7954

7590

07/01/2004

Dowell & Dowell, P.C.
Suite 309
1215 Jefferson Davis Highway
Arlington, VA 22202

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ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 671 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

Yoshihisa Shinagawa, Tokyo, JAPAN;
Hiroki Nagashima, Chiba, JAPAN;

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,309	02/13/2001	Yoshihisa Shinagawa	13599	7954

7590 06/14/2004

Dowell & Dowell, P.C.
Suite 309
1215 Jefferson Davis Highway
Arlington, VA 22202

EXAMINER

DO, ANH HONG

ART UNIT PAPER NUMBER

2624

DATE MAILED: 06/14/2004

MAIL

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COPY 8

Please find below and/or attached an Office communication concerning this application or proceeding.

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**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The information disclosure statement filed 4/6/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The GB patent has only a first page; the search report also has 1 page; the Garcia's document has page 31 only; and there are no copies for the other listed documents.

ANH H DO
Primary Examiner
Art Unit: 2624

FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number (Optional) 13599	Application Number 09/781,309
	Applicant Yoshihisa Shinagawa et al.	
	Filing Date February 13, 2001	RECEIVED Div. of App. & Inv. 2624

JUL 13 2004

U.S. PATENT DOCUMENTS

OFFICE OF PETITIONS

EXAMINER INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO
1/26/93	2 263 602	07/28/93	GB	H04N	5/14	RECEIVED	APR 09 2004

Technology Center 2600

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		European Patent Office, European Search Report, March 17, 2004, 4 pages
		Garcia, N., et al., "Pixel-Based Video Compression Schemes", Video Coding: The Second Generation Approach, 1996, pp 31-78.
		Haskell, B.G. et al., "MPEG-2 Video Coding and Compression", Digital Video: an Introduction to MPEG2, 1996, pp 162-175.
		Puri, A. et al. "Video Coding with Notion-Compensated Interpolation for CD-ROM Applications", Signal Processing Image Communication, Vol. 2, No. 2, August 1990, pp 127-144.
		Nieweglowski, J. et al., "A Novel Video Coding Scheme Based on Temporal Prediction Using Digital Image Warping", IEEE Transactions on Consumer Electronics, Vol. 39, No. 3, August 1993, pp. 141-150

EXAMINER:

Anh Do

DATE CONSIDERED:

6/2/04

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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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PROPERTY OF: DOWELL & DOWELL, P. C., Suite 309, 1215 Jefferson Davis Hwy, Arlington, Virginia 22202, Telephone (703) 415-2555
In re U.S. Patent Application of: Art Unit: 2624

Shinagawa et al.

Serial No.: 09/781,309 Filed: 2/13/2001

Examiner: Anh Hong Do

Title: METHOD AND APPARATUS FOR CODING
AND DECODING IMAGE DATA USING
CRITICAL POINTS

Atty. Docket No.: 13599

**THE U.S. PATENT AND TRADEMARK OFFICE STAMP INDICATES DATE OF FILING
OF THE FOLLOWING MARKED DOCUMENTS**

Check for \$130.00 petition fee

Petition to Consider an Information Disclosure Statement Submitted After Final Action

Information Disclosure Statement

PTO Form 1449

Copy of listed documents including European Patent Office Search Report

